

M E M O R A N D U M

DATE: January 29, 1988

TO: Division File

FROM: Wendy Schaufelberger<sup>was</sup>

SUBJECT: 1630450038 - St. Clair County - East St. Louis/Wastex  
ILD980700744  
~~POS ENF.~~

EPA Region 5 Records Ctr.



315973

On January 28, 1988, a 31(d) meeting pursuant to the December 28, 1987 ENL, was held with representatives from Wastex Research, Inc. at the Collinsville Regional IEPA Office.

Tom Immel, Attorney, James Markle, and Terry Hein, all representing Wastex were in attendance. Bruce Carlson, Attorney, Pat McCarthy, Mike Grant, Andy Vollmer and this writer were present representing the IEPA. The ENL was reviewed chronologically. This memo will follow the format of the ENL Attachment A (enclosed).

1. There has been no change in the status of the waste pile. Mr. Immel proposed to retest the waste pile to determine whether it is hazardous. If hazardous, it is to be sent to Peoria Disposal Company (PDC). The waste pile will be sampled by PDC during the week of February 1-5. It will be a split sample and will be tested by the State of Illinois also. A representative of the IEPA will be present when the sampling takes place. This violation remains unresolved.
2. See #1 above.
3. See #1 above.
4. Mr. Immel felt Wastex is exempt from including hazardous waste fuel shipped off site on the Generator Annual Report by 721.106(A)(2)(b). This point was agreed to, thus resolving the violation.
5. Mr. Hein produced a documented plan describing the methods for obtaining a representative sample. This violation is resolved.
6. Mr. Immel perceives regulation 725.115(c) as not applying to drums, as the regulation specifies equipment and structures as opposed to containers. Mr. Carlson agreed and #6 is thus resolved.
7. It was acknowledged by Mr. Immel that the inspection records were not sufficient. The record form has been changed to cover the inspection of tanks 8 through 10, the Gorator, and the warehouses. The new form was implemented on October 1, 1987. Wastex still needs to provide a cross-reference list for the tank farm. This violation remains unresolved.
8. Wastex now has the required non-sparking tools, as observed by P. McCarthy during an inspection on January 20, 1988. Concerning the compatibility

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test, Mr. Hein claimed that Wastex does have a compatibility test. Mr. Carlson requested that the compatibility test be documented and include a description of test precautions, quantities, methods and equipment used. This should be sent to the Agency for approval. Pending approval, this violation remains unresolved.

9. Mr. Immel stated this violation, concerning leaking and open drums, would be remedied with improved housekeeping methods and upgraded inspection procedures. Until this is proven by an inspection, this violation remains unresolved.
10. Due to the age of the drums, Mr. Immel stated they should not be moved until they can be processed. His reasoning was based on the fact that the drums could rupture and begin leaking if moved unnecessarily. This was not acceptable. Mr. Immel then proposed to decrease the height to 2 high where possible. Until the drums are rearranged or disposed, this violation remains unresolved.
11. Per Mr. Hein, the operating record has been updated to include Tank SL-1, and drum identification numbers. This will improve tracking of the "35" drums and Tank SL-1 inventory. It was suggested by Mr. Carlson that Wastex record leakers and designate an area for leakers and overpacks to be stored. This violation remains unresolved.
12. Mr. Immel disagrees with the interpretation of this regulation and feels Wastex is exempt as by 721.106(A)(2)(b) because the hazardous waste fuel stored on site is burned for energy in industrial furnaces. This was agreed to by Mr. Carlson and thus resolved.
13. Mr. Immel stated this was also a housekeeping problem and would be dealt with in the same manner as stated in #9. This remains unresolved.
14. This, too, is considered as a housekeeping problem to be treated as #9. This remains unresolved.
15. This violation will be addressed in the same way as #7 and is thus unresolved.
16. A submittal for a development permit for the agitator tank and Gorator pump was presented by Mr. Markle on the date of this conference, January 28, 1988. Until approval, this remains unresolved.
17. A submittal for an Operating Permit for the agitator tank and Gorator pump was submitted for approval by Mr. Markle on January 28, 1988. Pending approval, this remains unresolved.
18. It was agreed that all drums will be presumed to contain 55 gal. unless marked otherwise. A statement explaining this assumption will be made a part of the operating record. This statement must be observed before this violation can be resolved.

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19. The drums were dated, thus resolving this violation. Recent inspections also verify this.
20. The inventory was received December 11, 1987 and reviewed. Each drum was assigned a number and the location recorded, however, not all drums were physically marked with a number, just assigned one on paper. This violation remains until all drums are marked.
21. Until Nicholas Tita is approved for the chemist position, analyzation of the inventory will be delayed. Until analyzation takes place, this remains unresolved.
22. Qualification for Nicholas Tita for the chemist position were submitted January 28, 1988 by Mr. Markle for approval. Pending approval, this remains unresolved.
23. As of January 28, 1988, no payment had been made for financial assurance for closure, pursuant to paragraph A19, page 20 of the Compliance Plan set forth in the Consent Decree. Per Mr. Immel a payment will be made in 7 to 10 days from January 28, 1988. This will cover the annual payment which was due on May 17, 1986. Wastex is also past due for a payment which was scheduled to be made no later than June 16, 1987. Until these payments are received, this remains unresolved.
24. As of January 28, 1988, Wastex had not demonstrated financial responsibility for sudden accidental occurrences, pursuant to paragraph A20, page 20 of the Compliance Plan set forth in the Consent Decree. Mr. Immel stated 2 risk assessments had been done. Wastex did not qualify for insurance. This remains unresolved.
25. Per Mr. Immel, Wastex believes they can meet the outside date, October 23, 1988, for complete disposal of the Chase Inventory. None has been disposed of as of January 28, 1988. Thus making the violation still unresolved.
26. Wastes has failed to pay the \$10,000 penalty which they owe for violating the Consent Decree and failing to dispose of 2/5 of the Chase Inventory. This violation remains unresolved and is to be forwarded to the EDG and the USEPA.

WGS:pbo/0074L

cc: Bruce Carlson  
cc: DLPC Collinsville  
cc: Andy Vollmer

Attachment

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